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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT
DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

MIGUEL TREJO,

Defendant and Appellant.

2d Crim. No. B218358
(Super. Ct. No. VA094457)
(Los Angeles County)

Miguel Trejo appeals from the judgment after a jury convicted him of possession of a controlled substance (Health & Saf. Code, § 11350, subd. (a)) and resisting, obstructing, and delaying a peace officer (Pen. Code, § 148, subd. (a)(1)).¹ In a bifurcated proceeding, the trial court found that appellant had suffered a prior felony strike within the meaning of the Three Strikes law (Pen. Code, §§ 667, subds. (b)-(i); 1170.12, subds. (a)-(d)). Appellant was sentenced to four years state prison and ordered to pay a \$200 restitution fine (§ 1202.4, subd. (b)), a \$200 parole revocation fine (§ 1202.45), a \$40 court security fee (§ 1465.8, subd. (a)(1), and a \$60 criminal conviction fee (Gov. Code, § 70373).

¹ Unless otherwise stated, all statutory references are to the Penal Code.

We appointed counsel to represent appellant in this appeal. After examination of the record, counsel filed an opening brief in which no issues were raised.

On March 3, 2010 we advised appellant that he had 30 days in which to submit by brief or letter any contentions or arguments he wished us to consider.

On March 19, 2010 we received a motion from appellant requesting that counsel provide appellant a copy of the record on appeal and requesting additional time to file an "amended appeal and/or habeas corpus."

On March 23, 2010 we granted appellant an extension to May 2, 2010 file a supplemental brief, noting that counsel had already forwarded the record on appeal to appellant. Since that time, appellant has not filed a brief or any other response with the court.

The record reflects that a deputy sheriff detained appellant for outstanding warrants at an auto stereo store. Appellant ran, reached into his front pocket as he rounded a corner, and was found hiding in a dumpster.

Appellant stated that he ran because he had outstanding warrants and heroin on his person. Appellant said that he tossed the heroin and indicated that it was on the ground near the corner. The officer walked back to the corner and found two orange colored balloons containing heroin.

Appellant was arrested, waived his *Miranda* rights (*Miranda v. Arizona* (1996) 384 U.S. 436 [16 L.Ed.2d 694], and in a written statement, stated that he ran because he had warrants and a bad heroin problem. When asked why he didn't mention the heroin that he tossed, appellant said that he did not want to "rat on himself. . . ."

Appellant retained counsel for trial, discharged his attorney the first day of trial (*People v. Marsden* (1970) 2 Cal.3d 118), and was granted leave to represent himself in propria persona.

After the jury convicted appellant and the trial court found the prior strike allegation was true, the trial court granted appellant's motion to continue the sentencing hearing to November 17, 2006. Appellant posted bail and absconded.

After appellant was arrested on a bench warrant, he was represented by a public defender and appeared for sentencing on August 7, 2009. The trial court denied a motion for new trial and a *Romero* motion to strike the prior conviction (*People v. Superior Court (Romero)* (1996) 13 Cal.4th 497), and sentenced appellant to four years state prison.

We have examined the entire record and are satisfied that appellant's appointed counsel has fully complied with her responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 126; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment is affirmed.

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YEGAN, J.

We concur:

GILBERT, P.J.

PERREN, J.

Philip H. Hickok, Judge
Superior Court County of Los Angeles

Cindy Brines, under appointment by the Court of Appeal, for Appellant.

No appearance for Respondent.